



U.S. Department of Justice
United States Attorney
District of New Jersey

970 Broad Street, Suite 700
Newark, New Jersey 07102

Direct Dial: (973) 645-2746

April 22, 2020

VIA ECF

The Honorable Edward S. Kiel
United States District Judge
Martin Luther King Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: *United States v. Jose Torres*, Mag. No. 20-10059 (MAH)

Dear Judge Kiel:

The Government respectfully submits this letter brief in reply to the defendant Jose Torres ("Torres" or "defendant") opposition to the Government's request to extend the time to hold a preliminary hearing in the above-referenced case.

The Government's request to extend the time for the preliminary hearing for 60 days is purely practical: in all likelihood the circumstances surrounding COVID-19 will not have materially changed in 30 days sufficiently to either hold a preliminary hearing or obtain a grand jury quorum. Thus, the Government respectfully requests a 60 day extension in order to not waste the Court's time by returning in 30 days with additional briefing on the matter. However, the Government's intention is, and has always been, to present this matter to the grand jury as soon as there is a quorum. To that end, the United States Attorney's Office has a grand jury coordinator that has been diligently checking in with each grand juror to ascertain when we think we will be able to obtain a quorum. In all likelihood, this will not be until the Governor relaxes its currently indefinite stay at home order.

If the Court would prefer, it could grant a 30 day extension and have the parties return at the end of May for a status report, however, the Government wants to make clear that it intends to present to the grand jury the first possible day there is a quorum. The Government is by no means engaging in delay tactics, however, in order to keep court personnel and the grand jurors safe, the Government submits that the only course of action is to continue the preliminary hearing pursuant to Federal Rule of Criminal Procedure 5.1(d). In the meantime, the Government intends to prepare pre-indictment discovery to send to the Defendant and is currently drafting a protective order for Defense counsel's review.

Due to all of these reasons, as well as those cited in the Government's moving brief, the Government requests that this Court extend the time limits under Rule 5.1(c) and adjourn the preliminary hearing for a period of approximately 60 days, or to June 29, 2020.

Respectfully submitted,

CRAIG CARPENITO
UNITED STATES ATTORNEY

By:



EMMA SPIRO
Assistant United States Attorney

Dated: April 22, 2020

cc: Lisa Mack, Assistant Federal Public Defender (via email)